IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4441 OF 2004

Prafulla Prabhakar Mohite
and another ... Applicants

versus

State of Maharashtra ... Respondent

...

Mr. A.S. Janwalkar, for the Applicants.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

19th October 2004

P.C.:

. Heard Counsel for the parties. Perused the record. The Applicants have been arrested in connection with Cr. No. 12/2004 registered with Dapoli Police Station. Indeed, the offence is quite serious. The role of the Applicants in the commission of offence is that they were wielding sticks. The case of the Applicants on the other hand is that the complainant party were the

assailants and the Applicants only resisted the attack. Besides, the Applicants were wielding only sticks and no fatal injury can be attributed to the Applicants. Moreover, the Applicants are of tender age of 21 and 19 years respectively. Taking overall view of the matter, the Applicants deserve to be released on bail on the following conditions.

(a) The Applicants are enlarged on bail in connection with Cr.No. 12/2004 registered with Dapoli Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two local sureties in the like amount respectively.

(b) The Applicants shall not enter Dapoli taluka during the pendency of the trial.

(c) The Applicants shall report to the nearest police station once in fortnight on Saturday between 10 a.m. to 1 p.m.

(d) The Applicants shall furnish the place of residence where they intend to

stay within one week from the date of release to the investigating officer, as well as to the Registrar of the Sessions Court where the case is already committed.

(e) The Applicants shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(f) The Applicants shall extend full co-operation to the trial Court for early disposal of the case. In the event the trial Court is of the opinion that the Applicants are responsible for the smooth progress of the trial, that fact be recorded in the roznama which can be ground for cancellation of bail.

. Application disposed of accordingly.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)